

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 397 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
Nos. 1 to 5 No

RAJUBHAI SENDHABHAI @

SANKARBHAI THAKOR

Versus

STATE OF GUJARAT

Appearance:

MR HR PRAJAPATI for Petitioner

MR ND GOHIL ASSISTANT GOVERNMENT PLEADER

for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 11/03/99

ORAL JUDGEMENT

The petitioner through this writ petition under Article 226 of the Constitution of India has challenged his detention vide order dated 1.8.1998 passed by the Commissioner of Police, Ahmedabad under section 3(2) of the Prevention of Antisocial Activities Act, 1985 (for short 'PASA').

The Detaining Authority found on the basis of one registered offence and statements of three confidential witnesses that the petitioner along with his associates Shri Ratansing Amarnath Shethi and Manoj Indravadan Patel was engaged in bootlegging activity and his activities were prejudicial for maintenance of public order. Accordingly the impugned detention order was passed.

The two co-detenu Ratansinh Amarnath Shethi and Manoj Indravadan Patel who also challenged the detention order were released vide order passed by this Court in Special Civil Application No. 7989 of 1998 and Special Civil Application No.9932 of 1998 decided by this Court on 10.3.1999. The same prohibition case and the same witness stated against this petitioner also. Hence on grounds of parity the detention order cannot be sustained. It has to be quashed.

The writ petition therefore succeeds and is allowed. The impugned order of detention dated 1.8.1998 is hereby quashed. The petitioner shall be released forthwith unless wanted in some other case.

Sd/-

(D.C.Srivastava, J)

m.m.bhatt